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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/518,650 03/03/00 MCCARTHY

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MMC2/1222

EXAMINER

LEON, E

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 12/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/518,650

Applicant(s)

MCCARTHY, DALE C

Examiner

Edwin A. León

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation "a radially disposed electrically insulating wall" is not mentioned in the Specification. Therefore, this limitation will not be considered on its merits.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-2 recite the limitation "the inner periphery" in Line 8 respectively. There is insufficient antecedent basis for this limitation in the claims. Claims 1-2 recite the limitation "a cylindrical compression cap having a closed end apertured ", this limitation is indefinite since it recites that the cap has a closed end. Therefore, the cap can't be apertured.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-22 and 25-32 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 6-8 of McCarthy (U.S. Reissued Patent No. 36,700). Although the conflicting claims are not identical, they are not patentably distinct from each other because McCarthy discloses

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the claimed invention except for a cylindrical compression cap having a sidewall sized at its outer periphery for engaging an inner periphery of a housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a cylindrical compression cap having a sidewall sized at its outer periphery for engaging an inner periphery of a housing, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

7. Claims 23-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. reissue Patent No. 36,700 in view of Gaver, Jr. et al. (U.S. Patent No. 5,066,248). McCarthy discloses the claimed invention as described above except for a beveled ring and a compression ring. Gaver, Jr. et al. discloses a coaxial cable connector (10) the use of a ring (20). See Figs. 1-8. Thus, it would have been obvious with ordinary skill in the art to modify the electrical connector of McCarthy by including a ring as taught in Gaver, Jr. et al. to improve the connection between the connector and the cable.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-22 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy (U.S. Reissued Patent No. 36,700). With regard to Claims 1-2, 4-12, 15-18, 22, and 31-32, McCarthy discloses an electrical connector (10), comprising: a housing (16) having a first end and an axial bore (20); at least one clamping arm (27) in the bore (20) of the housing (16) having a first end (28); and a cylindrical compression cap (30) apertured to receive an electrical coaxial cable (11) having a sidewall sized at its inner periphery for engaging an outer periphery of the housing (16), wherein once said first end (28) of said at least one clamping arm (27) penetrates an outer insulation layer (15) of the electrical cable (11) and the end of the electrical cable (11) being inserted into said first end of said housing (16), said cap (30) can be inserted into said first end of said housing (16) such that said at least one clamping arm (27) is secured in place. See Figs. 1-7.

McCarthy discloses the claimed invention except for a cylindrical compression cap having a sidewall sized at its outer periphery for engaging an inner periphery of a housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a cylindrical compression cap having a sidewall sized at its outer periphery for engaging an inner periphery of a housing, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With regard to Claim 3, McCarthy discloses the pointed end (28) of said conductive clamp (27) being ramp shaped and the end of the side wall of said cylindrical compression cap (30) being complementarily ramp shaped so that upon

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mutual engagement longitudinally along the axis of the said housing (16), the pointed end of said conductive clamp (27) being driven radially toward the axis of said housing (16). See Figs. 1-7.

With regard to Claim 13, McCarthy discloses the first end of said at least one clamping arm (27) having a beveled edge, wherein said first end of said at least one clamping arm (27) is caused to penetrate the outer insulation layer (15) by a tool which pushes on the beveled edge while the end of the insulated electrical conductor (11) is inserted into said first end of the housing (16). See Figs. 1-7.

With regard to Claim 14 and 20, McCarthy discloses the first end of said at least one clamping arm (27) having a beveled edge, wherein as said cap (30) is inserted into the first end of said housing (16) a beveled edge of said cap (30) pushes the beveled edge of said at least one clamping arm (27) such as to cause the first end of said at least one clamping arm (27) to penetrate into the outer insulation layer (15) of the insulated conductor (11). See Figs. 1-7.

With regard to Claim 19, McCarthy discloses the at least one clamping arm (27) being integral with the housing (16). See Figs. 1-7.

With regard to Claim 25, McCarthy discloses the housing (16) being adapted to receive the end of the insulated electrical conductor (11) which has a portion of the inner insulation layer (13) and center conductor (12) protruding from an otherwise flush end of the insulated electrical conductor (11), wherein the portion of the center conductor (12) protrudes from the protruding portion of the inner insulation layer (13) such that the protruding portion of the inner insulation layer (13) acts to electrically

insulate the center conductor (12) from the housing (16) and the protruding center conductor protrudes into a second end of the connector (10). See Figs. 1-7.

With regard to Claim 26, McCarthy discloses an insulation section (22) attached to the housing (16), wherein the insulation section has an aperture, and where the insulation section electrically insulates the center conductor (12) from the housing (16). See Figs. 1-7.

With regard to Claim 27, McCarthy discloses an insulation section (22) having an aperture, and an electrically conductive pin (21) located in the aperture of the insulation section (22) such that the pin (21) protrudes into the first end of the connector (10) and protrudes into a second end of the connector (10), wherein the center conductor (12) of the insulated electrical conductor (11) makes electrical contact with the pin (21) protruding into the first end of the connector (10) as the end of the insulated electrical conductor (11) is inserted into the first end of the connector (10). See Figs. 1-7.

With regard to Claim 28, McCarthy discloses wherein the pin (21) has a hollow portion protruding into the first end of the connector (10). See Figs. 1-7.

With regard to Claim 29, McCarthy discloses the hollow portion of the pin (21) has at least one slit allowing the hollow portion to expand as a solid center conductor enters the hollow portion. See Figs. 1-7.

With regard to Claim 30, McCarthy discloses the pin (21) having a solid portion protruding into the first end of the connector (10). See Figs. 1-7.

10. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy (U.S. Reissued Patent No. 36,700) in view Gaver, Jr. et al. (U.S. Patent No.

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5,066,248). With regard to Claim 30, McCarthy discloses the claimed invention as described above except for a beveled ring and a compression ring.

Gaver, Jr. et al. discloses a coaxial cable connector (10) the use of a ring (20).

See Figs. 1-8.

Thus, it would have been obvious with ordinary skill in the art to modify the electrical connector of McCarthy by including a ring as taught in Gaver, Jr. et al. to improve the connection between the connector and the cable.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McCarthy (U.S. Patent No. 6,123,567), Wright (U.S. Patent No. 5,913,694), Thorner (U.S. Patent No. 5,318,458), Gohdes (U.S. Patent No. 6,102,737) and Kooiman (U.S. Patent No. 6,109,964) disclose similar electrical connectors for coupling an electrical cable.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (703) 308-6253. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

② Bradley

EAL
December 12, 2000